

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

|                           |   |                            |
|---------------------------|---|----------------------------|
| UNITED STATES OF AMERICA, | ) | JUDGE CHRISTOPHER A. BOYKO |
|                           | ) |                            |
| Plaintiff,                | ) | CASE NO.1:07CR612          |
|                           | ) |                            |
| -vs-                      | ) |                            |
|                           | ) |                            |
| MICHELLE A. RHODES,       | ) | <u>ORDER</u>               |
|                           | ) |                            |
|                           | ) |                            |
| Defendants                | ) |                            |

On February 12, 2008, Defendant, Michelle Rhodes, entered a plea of guilty to Counts 1 through 5 of an indictment charging violations of 18 U.S.C. § 1831 Mail Fraud and Counts 6 through 8 of the same indictment charging violations of 18 U.S.C. § 1014 False Statements on Loan and Credit Applications.

On July 9, 2008, the Defendant was sentenced to: 15 months custody to the Bureau of Prisons on each of Counts 1 through 8, to run concurrent; 3 years Supervised Release on each Count to run concurrent; Payment of Restitution in the amount of \$252,656.71; and a \$100 Special Assessment. The Defendant was allowed to self surrender to the Bureau of Prisons upon notification by the United States Marshal.

On September 22, 2008, the Court received a letter from the Defendant stating her interest and qualifications for participation in the "Second Chance Act of 2007." Specifically, the Defendant moves this Court to modify its original sentence and impose a split sentence - 9 months imprisonment and 6 months prerelease placement.

The "Second Chance Act of 2007," signed into law on April 9, 2008, provides expanded provisions for offenders and their families for reentry into society. The Second Chance Act Review process determines the amount of time (range of months) recommended for halfway house placement toward the end of a person's sentence, and the decision is based on many factors/needs specific to each offender.

However, there does not appear to be any provision in the "Second Chance Act" that allows the Court to modify and/or re-sentence a Defendant to a Bureau of Prisons' (BOP) halfway house or any other BOP prerelease placement for participation in the program.

Therefore, Defendant's request to modify her sentence is denied.

IT IS SO ORDERED.

s/Christopher A. Boyko  
Christopher A. Boyko  
U.S. District Court Judge

October 21, 2008